C.S. 1001

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION NO. 2826 /2004

PETITIONER		G.S. Mandavi, aged about 39 years, son of Shri B. S. Mandavi, Assistant Grade II, Department of Tribal, Qtr No. 4, Block Colony, Nayapara, Jagdalpur, Distt. Bastar (CG)

P.R. No. 28-5-04
Presented by Shri Shashi Bhushan
Date 24-5-04

VERSUS

RESPONDENTS	1.	State of Chhattisgarh, through, the Secretary, Department of Tribal Welfare, Dau Kalyan Singh Bhawan, Raipur, Chhattisgarh.
	2.	The Commissioner, Department of Tribal Welfare, D.K.S. Bhawan, Raipur (Chhattisgarh)
	3.	The Collector, Jagdalpur (C.G.)
	4.	The Assistant Commissioner, Tribal Welfare Department, Jagdalpur (Chhattisgarh)

ATTESTED COPY
Clerk to A.G. Bilaspur

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA, 1950 FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS ETC. AND FOR APPROPRIATE ORDER / ORDERS, DIRECTION / DIRECTIONS.

XI-HC—78

(23)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 2826 सन् 2004

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

20.09.2004

On a mention being made, the case is taken-up.

Shri Avinash Mishra, counsel for the petitioner.

Shri V.V.S. Murthy, Dy. Advocate General, for the State/respondents.

Application I.A. No.6159/2004 filed for urgent hearing is allowed.

Heard.

The petitioner, Assistant Grade-II in Tribal Department, has filed this petition against the order dated 13-08-2004, whereby he has been transferred from Jagdalpur to Keshkal.

Learned counsel for the petitioner submits that the petitioner has been transferred from Jagdalpur to Keshkal ignoring the fact that there is no vacant post of Assistant Grade-II available at the place where the petitioner has been transferred. He further submits that the petitioner is a tribal and the transfer order passed by the respondents is contrary to transfer policy- Annexure-P/3, which envisages that no person belonging to the Scheduled Caste and Scheduled Tribe should be transferred from one place to another in a short interval. Learned counsel further submits that inspite of the fact that nearly 15-20 persons belonging to the general category are already performing the duties at the place from where the petitioner has been disturbed, he has been transferred to Keshkal which is in flagrant violation of the transfer policy Annexure-P/3. Learned counsel also submits that the petitioner has not yet been relieved from the present place of posting. Learned counsel further submits that for the present the petitioner may be given an opportunity of filing the detailed representation

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक W.P.No. 2826/2004 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

before the competent authority of the respondents, which shall be considered on its own merits in accordance with law.

Having considered and without expressing any opinion on the merits of the case, in the opinion of this Court, ends of justice will be served if a direction is given to the petitioner to make a detailed representation raising his grievances before the competent authority of the respondents along with a copy of the petition and this order, within 10 days, and on such representation being filed, the competent authority of the respondents shall decide the same on its own merits in accordance with law as early as possible preferably within six weeks from the date of receipt of the representation. Since, according to the learned counsel, the petitioner has not been relieved so far, he be allowed to continue till consideration of the representation. It is made clear that if any grievance still remains, the petitioner may avail the remedy available under the law.

With the aforesaid observations, this petition stands disposed of at the stage with liberty aforesaid.

Consequently, M.W.P.No. 2496/2004 also stands disposed of.

Certified copy as per rules.

Sd/-
Fakhruddin
Judge

[पीछे देखिये